



# Iraq: Politics, Elections, and Benchmarks

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## Summary

Iraq's political system, the result of a U.S.-supported election process, is increasingly characterized by peaceful competition rather than violence, as well as by cross-sectarian alliances. However, ethnic and factional infighting have not ended. Some believe that Prime Minister Nuri al-Maliki, strengthened politically by the January 31, 2009, provincial elections, is increasingly authoritarian, in part to ensure that he holds power after the planned January 2010 national elections. Maliki is widely assessed as gaining control of the security services and building new security organs loyal to him personally. He has also formed cross-sectarian alliances with a wide range of Sunni and Kurdish factions, to counter new coalitions by a wide range of erstwhile allies and former opponents.

The continuing infighting among the major communities delayed the National Assembly's passage of the election law needed to hold the January 2010 national elections, which had been planned for January 16, 2010. An initial version of the election law was passed by the Council of Representatives (COR, parliament) on November 8, 2009, but was vetoed by one of Iraq's deputy presidents, Tariq al Hashimi, because of what he considered inadequate guarantees of representation for Sunni Iraqis displaced by recent violence. After continued infighting, threatened election boycotts, and adoption of another draft law that attracted another veto threat, all major factions compromised to adopt another draft, similar to the November 8 version, on December 6, 2009. The next Assembly will have 325 seats, compared to 275 seats in the current Assembly. However, the election date is delayed until March 7, 2010—well beyond the January 31, 2010, date that had been deemed the required deadline in order to allow 45 days before the expiration of the COR's term (March 15). This same difficulty of achieving consensus has delayed key outstanding legislation considered crucial to political comity going forward, such as national hydrocarbon laws.

Based partly on the continued relatively low levels of violence in Iraq—although occasionally punctuated by major bombings in Baghdad—in February 2009 the Obama Administration announced a reduction of the U.S. troop presence to about 35,000–50,000 U.S. forces by August 2010. Under the U.S.-Iraq Security Agreement that took effect January 1, 2009, and which President Obama has said would be followed, all U.S. forces are to be out of Iraq by the end of 2011. Senior U.S. military leaders have indicated, to date, that the delay in the Iraqi election will not likely affect U.S. draw-down plans. Nor have the recent attacks reignited large-scale sectarian violence that could cause a U.S. reevaluation of its plans. Still, nervous that U.S. gains could be jeopardized if sectarian tensions flare into major new violence, recent U.S. official visits to Iraq and contacts with Iraqi leaders have stressed the need for political compromises on election-related and other outstanding issues. See CRS Report RL31339, *Iraq: Post-Saddam Governance and Security*, by Kenneth Katzman.

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## Overview of the Political Transition

Iraq has largely completed a formal political transition from the dictatorship of Saddam Hussein to a plural polity that encompasses varying sects and ideological and political factions. However, grievances and disputes among these groups remain, over the relative claim of each on power and economic resources.

After the fall of Saddam Hussein's regime in April 2003, the United States set up an occupation structure, reportedly based on concerns that immediate sovereignty would favor major factions and not produce democracy. In May 2003, President Bush, reportedly seeking strong leadership in Iraq, named Ambassador L. Paul Bremer to head a "Coalition Provisional Authority" (CPA), which was recognized by the United Nations as an occupation authority. Bremer discontinued a tentative political transition process and instead appointed (July 13, 2003) a non-sovereign Iraqi advisory body, the 25-member "Iraq Governing Council" (IGC). After about one year of occupation, the United States handed sovereignty to an appointed Iraqi interim government on June 28, 2004. It was headed by a Prime Minister, Iyad al-Allawi, leader of the Iraq National Accord, a secular, non-sectarian faction. Allawi is a Shiite but many INA leaders were Sunnis, and some of them were formerly members of the Baath Party. The president of this interim government was Ghazi al-Yawar, a Sunni tribal figure who spent many years in Saudi Arabia.

## January 2005 National Assembly and Provincial Elections

A series of elections in 2005 produced the full-term government that is in power today. In line with a March 8, 2004, "Transitional Administrative Law" (TAL, interim constitution), the first post-Saddam election was held on January 30, 2005, for a 275-seat transitional National Assembly (which formed an executive), four-year term provincial councils in all 18 provinces and a Kurdistan regional assembly (111 seats). According to the "proportional representation/closed list" election system, voters chose among "political entities" (a party, a coalition of parties, or persons); 111 entities were on the national ballot, of which nine were multi-party coalitions. Sunni Arabs (20% of the overall population) boycotted, winning only 17 Assembly seats, and only one seat on the 51-seat Baghdad provincial council. That council was dominated (28 seats) by representatives of the Islamic Supreme Council of Iraq (ISCI), led by Abd al-Aziz al-Hakim. Radical Shiite cleric Moqtada Al Sadr, then at odds with U.S. forces, also boycotted, leaving his faction relatively under-represented on provincial councils in the Shiite south and in Baghdad. The resulting transitional government placed Shiites and Kurds in the highest positions—Patriotic Union of Kurdistan (PUK) leader Jalal Talabani was President and Da'wa (Shiite party) leader Ibrahim al-Jafari was Prime Minister. Sunnis were Assembly speaker, deputy president, a deputy prime minister, and six ministers, including defense.

## Permanent Constitution

The elected Assembly was to draft a constitution by August 15, 2005, to be put to a referendum by October 15, 2005, subject to veto by a two-thirds majority of voters in any three provinces. On May 10, 2005, a 55-member drafting committee was appointed, but with only two Sunni Arabs (15 Sunnis were later added as full members and 10 as advisors). In August 2005, the talks produced a draft, providing for a December 31, 2007, deadline to hold a referendum on whether

Kirkuk (Tamim province) will join the Kurdish region (Article 140); designation of Islam as “a main source” of legislation;<sup>1</sup> a 25% electoral goal for women (Article 47); families choosing which courts to use for family issues (Article 41); making only primary education mandatory (Article 34); and having Islamic law experts and civil law judges on the federal supreme court (Article 89). Many women opposed the two latter provisions as giving too much discretion to male family members. It made all orders of the U.S.-led occupation authority (Coalition Provisional Authority, CPA) applicable until amended (Article 126), and established a “Federation Council” (Article 62), a second chamber with size and powers to be determined in future law (not adopted to date).

The major disputes—still unresolved—centered on regional versus centralized power. The draft permitted two or more provinces together to form new autonomous “regions”—reaffirmed in passage of an October 2006 law on formation of regions. Article 117 allows “regions” to organize internal security forces, legitimizing the fielding of the Kurds’ *peshmerga* militia (allowed by the TAL). Article 109 requires the central government to distribute oil and gas revenues from “current fields” in proportion to population, and gave regions a role in allocating revenues from new energy discoveries. Disputes over these concepts continue to hold up passage of national hydrocarbons legislation. Sunnis dominate areas of Iraq that have few proven oil or gas deposits, and favor centralized control of oil revenues, whereas the Kurds want to maintain maximum control of their own burgeoning energy sector.

With contentious provisions unresolved, Sunnis registered in large numbers (70%-85%) to try to defeat the constitution, prompting a U.S.-mediated agreement (October 11, 2005) providing for a panel to propose amendments within four months after a post-December 15 election government took office (Article 137), to be voted on within another two months (under the same rules as the October 15 referendum). The Sunni provinces of Anbar and Salahuddin had a 97% and 82% “no” vote, respectively, but the constitution was adopted because Nineveh province only voted 55% “no,” missing the threshold for a “no” vote by a two-thirds majority in three provinces.

## December 15, 2005, Elections

In the December 15, 2005, elections for a four-year national government (in line with the schedule laid out in the TAL), each province contributed a predetermined number of seats to a “Council of Representatives” (COR)—a formula adopted to attract Sunni participation. Of the 275-seat body, 230 seats were allocated this way, with 45 “compensatory” seats for entities that would have won additional seats had the constituency been the whole nation. There were 361 political “entities,” including 19 multi-party coalitions, competing in a “closed list” voting system (in which party leaders choose the persons who will actually sit in the Assembly). As shown in **Table 2**, voters chose lists representing their sects and regions, and the Shiites and Kurds again emerged dominant. The COR was inaugurated on March 16, 2006, but political infighting caused the Shiite bloc “United Iraqi Alliance” to replace Jafari with another Da’wa figure, Nuri Kamal al-Maliki, as Prime Minister.

On April 22, 2006, the COR approved Talabani to continue as president. His two deputies are Adel Abd al-Mahdi (incumbent) of the Islamic Supreme Council of Iraq (ISCI) and Tariq al-Hashimi, leader of the broad Sunni-based coalition called the Accord Front (“Tawafuq”—within

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<sup>1</sup> <http://www.washingtonpost.com/wp-dyn/content/article/2005/10/12/AR2005101201450.html>.

which Hashimi leads the Iraqi Islamic Party). Another Accord figure, the hardline Mahmoud Mashhadani (National Dialogue Council party), became COR speaker. Maliki won COR approval of a 37-member cabinet (including two deputy prime ministers) on May 20, 2006. Three key slots (Defense, Interior, and National Security) were not filled permanently until June 2006, due to infighting. Of the 37 posts, there were 19 Shiites; 9 Sunnis; 8 Kurds; and 1 Christian. Four were women.

## **Benchmarks, Reconciliation, and Provincial and Future Elections**

The 2005 elections were considered successful by the Bush Administration but did not resolve the Sunni Arab grievances over their diminished positions in the power structure and the insurgency accelerated in the two subsequent years. In August 2006, the Administration and Iraq agreed on a series of “benchmarks” that, if adopted and implemented, might achieve political reconciliation. Under Section 1314 of a FY2007 supplemental appropriation (P.L. 110-28), “progress” on 18 political and security benchmarks—as assessed in Administration reports due by July 15, 2007, and then September 15, 2007—was required for the United States to provide \$1.5 billion in Economic Support Funds (ESF) to Iraq. President Bush used the waiver provision. The law also mandated an assessment by the GAO, by September 1, 2007, of the degree to which the benchmarks have been met, as well as an outside assessment of the Iraqi security forces (ISF).

As 2008 progressed, citing the achievement of many of the major legislative benchmarks—and a dramatic drop in sectarian violence that the Administration attributed largely to the U.S. “troop surge”—the Bush Administration asserted that political reconciliation was advancing. However, U.S. officials maintained that the extent and durability of reconciliation would depend on the degree of implementation of adopted laws, on further compromises among ethnic groups, and on continued attenuated levels of violence. Iraq’s performance on the “benchmarks” is summarized in **Table 3** below.

### **The Strengthening of Maliki and the Iraqi Government: 2008-2009**

The passage of key legislation in 2008 and the continued calming of the security situation enhanced Maliki’s political position through 2008 and 2009. A March 2008 offensive ordered by Maliki against the Sadr faction and other militants in Basra and environs pacified the city, weakened Sadr politically, and caused some Sunnis and Kurds to see Maliki as even-handed and non-sectarian. This contributed to a decision by the Accord Front to return to the cabinet in July 2008 after a one-year boycott. Other cabinet vacancies were filled subsequently, mostly by independents, essentially putting an end to the political reversals of 2007, when Maliki appeared weakened substantially by the pullout of the Accord Front, the Sadr faction, and the bloc of former Prime Minister Iyad al-Allawi from the cabinet. At that point, this left Maliki with 13 vacant seats out of a 37-seat cabinet.

Although Maliki’s growing strength increased the Bush and then the Obama Administration’s optimism for continued stability, Maliki’s strength caused concern even among Maliki’s erstwhile political allies. They see him as increasingly building a following in the security forces, and creating new security organs loyal to him and his faction. In 2008, the Kurds, who had been a key source of support for him, began to criticize his leadership because of his formation of

government-run “tribal support councils” in northern Iraq, which the Kurds see as an effort to prevent them from gaining control of disputed territories that they want to integrate into their Kurdistan Regional Government (KRG). Other support councils were created in southern Iraq.

ISCI, the longstanding main ally of Maliki’s Da’wa Party, began to politically distance itself from Maliki, and accused him of surrounding himself with Da’wa veterans to the exclusion of other decision makers. The competition prompted reports in late 2008 that several major factions were considering attempting to bring about a “no-confidence” vote against Maliki. The December 2008 resignation, under pressure, of Sunni COR Speaker Mahmoud al-Mashhadani, who was perceived as blocking a no-confidence motion against Maliki and several of his allies in the cabinet, was one outward indicator of the dissension.

### **January 31, 2009, Provincial Elections and Implications**

The political fears of some factions about Maliki’s consolidation of power were evident in the context of the January 31, 2009, provincial elections. Under a 2008 law, provincial councils in Iraq choose the governor and provincial governing administrations in each province, making them powerful bodies that provide ample opportunity to distribute patronage and guide provincial politics.

The elections had originally been planned for October 1, 2008, but were delayed when Kurdish restiveness over integrating Kirkuk and other disputed territories into the KRG caused a presidential veto of the July 22, 2008, election law needed to hold these elections. That draft provided for equal division of power in Kirkuk (between Kurds, Arabs, and Turkomans) until its status is finally resolved, prompting Kurdish opposition to any weakening of their dominance in Kirkuk. On September 24, 2008, following its summer recess, the COR agreed to put aside the Kirkuk dispute and passed a final election law, providing for the elections by January 31, 2009. The final law put off provincial elections in Kirkuk and the three KRG provinces, and stripped out provisions in the vetoed version to allot 13 total reserved seats (spanning six provinces) to minorities. (In October 2008, the COR adopted an amendment restoring six reserved seats for minorities: Christian seats in Baghdad, Nineveh, and Basra; one seat for Yazidis in Nineveh; one seat for Shabaks in Nineveh; and one seat for the Sabeen sect in Baghdad.)

In the elections, in which there was virtually no violence on election day, about 14,500 candidates vied for the 440 provincial council seats in the 14 Arab-dominated provinces of Iraq. About 4,000 of the candidates were women. The average number of council seats per province was about 30,<sup>2</sup> down from a set number of 41 seats per province (except Baghdad) in the 2005-2009 councils. The new Baghdad provincial council has 57 seats. This yielded an average of more than 30 candidates per council seat, which some see as enthusiasm for democracy in Iraq. However, the reduction in number of seats also meant that many incumbents were not reelected.

The provincial elections were conducted on an “open list” basis—voters were able to vote for a party slate, or for an individual candidate (although they also had to vote for that candidate’s slate as well). This procedure encourages voting for slates, and strengthened the ability of political parties to choose who on their slate will occupy seats allotted for that party. This election system was widely assessed to favor larger, well-organized parties, because smaller parties might not

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<sup>2</sup> Each provincial council has 25 seats plus one seat per each 200,000 residents over 500,000.



meet the vote threshold to obtain any seats on the council in their province.<sup>3</sup> This was seen as likely to set back the hopes of some Iraqis that the elections would weaken the Islamist parties, both Sunni and Shiite, that have dominated post-Saddam politics.

About 17 million Iraqis (any Iraqi 18 years of age or older) were eligible for the vote, which was run by the Iraqi Higher Election Commission (IHEC). Pre-election-related violence was minimal, although five candidates and several election/political workers were killed. There were virtually no major violent incidents on election day. Turnout was about 51%, somewhat lower than some expected, and some voters complained of being turned away at polling places because their names were not on file. Other voters had been displaced by sectarian violence in prior years and were unable to vote in their new areas of habitation.

The vote totals were finalized on February 19, 2009, and were certified on March 29, 2009. Within 15 days of that (by April 13, 2009) the provincial councils began to convene under the auspices of the incumbent provincial governor, and to elect a provincial council chairperson and deputy chairperson. Within another 30 days after that (by May 12, 2009) the provincial councils elected (by absolute majority) a provincial governor and deputy governors. The term of the provincial councils is four years from the date of first convention.

## **Outcomes**

The worst fears of Maliki's opponents were realized when his list ("State of Law Coalition") was the clear winner of the provincial elections contest. His Shiite opponents, who are also his former allies, ran separate slates and fared generally poorly. With 28 out of the 57 total seats, the Maliki slate gained effective control, by itself, of the Baghdad provincial council (displacing ISCI). Da'wa also emerged very strong in most of the Shiite provinces of the south, including Basra, where it won an outright majority (20 out of 35 seats).

The apparent big loser in the elections was ISCI, which had been favored because it is well organized and well funded. ISCI favors more power for the provinces and less for the central government; centralization is Maliki's preferred power structure. ISCI did not win in Najaf province, which it previously dominated and which, because of Najaf's revered status in Shiism, is considered a center of political gravity in southern Iraq. It won seven seats there, the same number that was won by the Maliki slate. ISCI won only 3 seats on the Baghdad province council, down from the 28 it held previously, and only five in Basra. Some observers believe that the poor showing for ISCI was a product not only of its call for devolving power out of Baghdad, but also because of its perceived close ties to Iran, which some Iraqis believe is exercising undue influence on Iraqi politics. The Sadrist lists fared little better than did ISCI's slate, although post-election coalition politics put some Sadrists in senior posts in some provinces.

The unexpected strength of secular parties such as that of former Prime Minister Iyad al-Allawi, corroborated the view that voters favored slates committed to strong central government and "rule of law," as well as to the concept of Iraqi nationalism. This trend was also reflected in the strong showing of a single candidate in Karbala province who was well thought of in the province for even-handedness.

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<sup>3</sup> The threshold for winning a seat is: the total number of valid votes divided by the number of seats up for election.

Although Maliki's coalition was the clear winner in the elections, the subsequent efforts to form provincial administrations demonstrated that he still needed to strike bargains with rival factions, including Sadr, ISCI, and even the Sunni list of Saleh al-Mutlaq (National Dialogue Front) that contains many ex-Baathists. The provincial administrations that took shape, mostly in line with set deadlines above, are in **Table 3** below.

## **Maliki's Position as 2010 Elections Approach**

Because of Dawa's showing in the provincial elections, Maliki remains well positioned in the run-up to the next parliamentary elections, which will choose the next full-term government, expected to be held on March 7, 2010. While he has reached compromise with political competitors in various provinces, he has also reportedly been using the security forces to politically intimidate his opponents. One politician in Diyala Province, for example, was arrested in May 2009 on orders from Maliki.<sup>4</sup> Other reports say he has ordered some newspapers owned by critics closed, and is backing draft legislation that would increase government censorship of media.

Maliki also derived political strength from the U.S. concessions in the U.S.-Iraq "Security Agreement" (sometimes referred to as the Status of Forces Agreement, or SOFA). The agreement passed the COR on November 27, 2008, over Sadrist opposition, and notwithstanding Sunni efforts to obtain assurances of their future security. The pact took effect January 1, 2009, limiting the prerogatives of U.S. troops to operate in Iraq and setting a timetable of December 31, 2011, for a complete U.S. troop withdrawal. President Obama, on February 27, 2009, outlined a U.S. troop drawdown plan that comports with the major provisions of the Agreement.

The first major milestone of the U.S.-Iraq Agreement was the June 30, 2009, withdrawal of U.S. combat troops from Iraq's cities. This was strictly implemented by U.S. forces, to the point where U.S. forces pulled out of locations in the restive Mosul area and from Sadr City, where Gen. Raymond Odierno (top U.S. commander in Iraq) felt U.S. forces should stay. Maliki hailed this interim milestone as a "victory" and declared it a national holiday, causing some resentment among U.S. forces who felt Maliki was trying to claim credit for the U.S. efforts to stabilize Iraq.

On the other hand, Maliki's position could weaken as the United States draws its troops down in Iraq. The performance of the ISF in the face of a smaller U.S. presence will be key to whether Maliki retains his strong pre-eminence. Some question whether he has been too quick to assert ISF full control and has thereby sacrificed prior gains. Strengthening this view have been the several high-profile attacks that took place since June 2009, including several major multiple bombing attacks in central Baghdad, the most recent of which was on December 7, 2009. Maliki has ordered several ISF commanders questioned for lapses in connection with the major bombings in Baghdad on August 20, 2009, in which almost 100 Iraqis were killed and the Ministry of Finance and of Foreign Affairs were heavily damaged. The makeshift new Ministry of Finance buildings were attacked again in the December 7, 2009, bombings.

Some Maliki opponents in the COR were not cowed by Maliki's gains in the provincial elections. The COR was able to achieve a majority to approve Ayad al-Samarrai, a Sunni Arab critic of Maliki, on April 20, 2009. He had been the leading candidate in the several previous attempts to

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<sup>4</sup> Shadid, Anthony. "In Iraq, A Different Struggle for Power." *Washington Post*, June 25, 2009.

select the new Speaker. Since taking office, Samarraï has strengthened the COR's oversight role and launched a COR investigation of corruption in the Trade Ministry that forced the minister, Abdul Falah al-Sudani, to resign on May 14, 2009. (He was subsequently arrested.) The new COR assertiveness is said to focus on the performance of Oil Minister Hussein Shahrastani, viewed as a Maliki ally and an opponent of the Kurds and their drive to control their own oil resources. Earlier, the COR successfully eliminated from the 2009 budget the funding for the pro-Maliki tribal support councils (see above) and for funds to reconcile with ex-Baathists.

The infighting between Maliki and his critics has also had the effect of stalling movement on remaining crucial legislation, such as that discussed in **Table 3** below. Some note that efforts to rein in official corruption are failing because no comprehensive anti-corruption law has been passed. Also not passed are laws on the environment, those governing other elections, consumer protections, intellectual property rights, building codes, and a new national flag.

With high-profile attacks mounting, U.S. officials appear increasingly worried that Maliki is dismissing or insufficiently concerned about the continuing splits in Iraqi society. During the July 4 holiday period and since, Vice President Biden, tapped by President Obama to be the Administration's main interlocutor with Iraqi leaders, has visited Iraq to reinforce to Maliki the need to continue the process of reconciliation through compromise and dialogue with opponents. U.S. intervention was again reportedly instrumental in forging the December 6, 2009, compromise on the election law needed for the 2010 election. Some of the trends that U.S. officials fear are discussed below.

## **The 2010 National Elections and Their Politics**

Apparently because of its weakness, ISCI reportedly tried to enlist the support of Grand Ayatollah Ali al-Sistani, the senior clerical leader in Iraq, to call for reconstituting the UIA for the January 16, 2010, National Assembly elections. Maliki, still in a strong position as various factions tried to gain his alliance, was non-committal, and several new coalitions have formed.

### Major Coalitions Formed for 2010 National Elections

State of Law Coalition	Led by Maliki and his Da'wa Party. Includes Anbar Salvation Front of Shaykh Hatim al-Dulaymi, which is Sunni, and the Independent Arab Movement of Abd al-Mutlaq al-Jabbouri. Widely favored in the 2010 election because of strong showing in January 2009 provincial elections.
Iraqi National Alliance	Formed in August 2009, major challenger to Maliki, consists mainly of his erstwhile Shiite opponents. Includes ISCI, the Sadrist movement, the Fadilah Party, the Iraqi National Congress of Ahmad Chalabi, and the National Reform Movement of former Prime Minister (Da'wa) Ibrahim al-Jafari
Iraqi National Movement	Formed in October 2009. Led by former Prime Minister Iyad al-Allawi (Iraq National Accord) who is Shiite but his faction appeals to Sunnis, and Sunni leader Saleh al-Mutlaq (ex-Baathist who leads Iraq Front for National Dialogue). Backed by Iraqi Islamic Party leader and deputy President Tariq Al-Hashimi.
Kurdistan Alliance	Likely to compete again in 2010 as relatively unified Kurdish bloc, although Kurdish solidarity shaken by July 25, 2009, Kurdistan elections in which a breakaway PUK faction did unexpectedly well.
Unity Alliance of Iraq	Led by Interior Minister Jawad Bolani, a moderate Shiite. Includes Sunni tribal faction led by Shaykh Ahmad Abu Risha, brother of slain leader of the Sunni Awakening movement in Anbar.

**Source:** Carnegie Endowment for International Peace.

### Election Law Dispute and Resolution

Even as new electoral coalitions were forming, the major Iraqi communities were divided over the law needed to hold the elections—expecting that the provisions of the election law might shape the election outcome. Under the Iraqi constitution, the elections needed to be held by January 31, 2010, in order to allow 45 days before the March 15, 2010, expiry of the current COR's term. An election held beyond that term expiration date would almost certainly provoke a constitutional crisis. Iraq's election officials had ideally wanted a 90-day time frame between the election law passage and the election date, in order to facilitate the voter registration process.

As noted below, the COR missed almost every self-imposed deadline because of the disputes among the factions. One dispute was over the election system, with the parliamentary deputies leaning toward the closed list system despite a call by Grand Ayatollah Sistani for an open list vote. The final law, passed on December 6, 2009, provides for an open list, with each province serving as a single constituency and a fixed number of seats for each province.

There was also a dispute over how to apply the election in disputed Kirkuk province, where Kurds fear that the election law drafts would cause Kurds to be underrepresented in the election. One version of the election law—passed by the COR on November 8, 2009, with 141 out of 195 COR deputies present—called for using 2009 food ration lists as representative of voter registration. The Kurds had sought this provision, facing down the insistence of many COR deputies to use 2005 voter lists, which presumably would contain fewer Kurds. A compromise in that version of the law allowed for a process to review, for one year, complaints about fraudulent registration, thus easing Sunni and Shiite Arab fears about an excessive Kurdish vote in Kirkuk.

However, this version left many Sunni Arabs angry because it guarantees a small quota of seats for Iraqis living abroad or who are displaced as part of, essentially, a “19<sup>th</sup> province” constituency. Sunni Iraqis feel that it is mainly members of their sect who remain displaced and that the election law would lead to their underrepresentation. On this basis, one of Iraq’s deputy presidents, Tariq al Hashimi, a Sunni Arab, exercised his rights and vetoed the law. The veto, on November 18, sends the law back to the COR where all issues might be reopened.

A new version was adopted on November 23, but it was viewed as even less favorable to Sunni Arabs than the first version, because it eliminated any reserved seats for Iraqis in exile. Hashimi again threatened a veto, which he was required to exercise within 10 days. As his deadline to veto was about to lapse, the major factions, reportedly at the urging of U.S. and other diplomats in Baghdad, reached agreement on a new law and adopted it on December 6, 2009. Although the passed law is close to the version adopted on November 8, all the major blocs purportedly support it and it is not likely to be vetoed by any member of the presidency council. (According to Article 138 of the Iraqi constitution, after the next election, Iraq is to have a President and at least one Vice President—the “presidency council” concept was an interim measure that is to expire at the end of the current government’s term.) The election law that was adopted provides for

- Expansion of the size of the COR to 325 total seats, 15 of which are “compensatory seats.” The remainder are allocated by province, with the constituency sizes ranging from Baghdad’s 68 seats to Muthanna’s 7 seats. The COR size, in the absence of a census, was based on taking 2005 population figures and assuming a 2.8% per year growth rate in each province.<sup>5</sup>
- Eight of the compensatory seats are reserved for minorities, and seven are distributing among the top vote-getting lists in accordance with their vote totals nationwide.
- There is no separate electoral constituency for Iraqis in exile, so Iraqis in exile will have their votes counted in the provinces where these voters originated.
- The election date has been set for March 7, 2010.

### *Continued Sunni Restiveness*

The electoral process since 2005 has, to a large extent, furthered U.S. goals to bring Sunni Muslims ever further into the political structure. Sunnis boycotted the January 2005 provincial elections and had been poorly represented in some mixed provinces, such as Diyala and Nineveh. As noted, the 2009 elections incorporated into the political structure the tribal leaders (“Awakening Councils”) who recruited the Sons of Iraq fighters. In the 2009 provincial elections, these Sunni tribalists offered election slates and showed strength at the expense of the established Sunni parties, particularly the Iraqi Islamic Party (IIP). The main “Iraq Awakening” tribal slate came in first in Anbar Province, according to the final results. The established, mostly urban Sunni parties, led by the IIP, had been struggling in 2008 as the broader Accord Front (Tawafuq) fragmented. In the provincial elections, one of its component parties—the National Dialogue Council—ran on slates that competed with the IIP in several provinces.

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<sup>5</sup> Analysis of Iraq expert Reidar Visser. “The Hashemi Veto.” <http://gulfanalysis.wordpress.com/2009/11/18/the-hashemi-veto/>

At the same time, there is growing restiveness among many Sunnis. Continuing high-profile attacks in Baghdad and elsewhere could represent efforts by still-disgruntled Sunnis to take advantage of the reduced U.S. involvement in day-to-day security operations. Some believe that Sunnis are rejoining the insurgency because of the Maliki government's refusal to fully integrate the "Sons of Iraq" fighters into the Iraqi Security Forces (ISF). The 90,000 fighters nationwide cooperated with U.S. forces against Al Qaeda in Iraq and other militants. Some of the Sons are increasingly resentful that only about 28,000 have been integrated into the ISF or given the civilian government jobs they were promised.

### ***KRG-Central Government Disputes***

The elections processes have not healed the disputes between the KRG and the central government. Those disputes are over the KRG's insistence on controlling its own oil resources, disputes over security control over areas inhabited by Kurds, and the Kurds' claim that the province of Tamim (Kirkuk) be formally integrated into the KRG.

These disputes were aggravated by the 2009 provincial elections because Sunni Arabs wrested control of the Nineveh (Mosul) provincial council from the Kurds, who won control of that council in the 2005 election because of the broad Sunni Arab boycott of that election. A Sunni list (al-Hadba'a) won a clear plurality of the Nineveh vote and subsequently took control of the provincial administration there. Al-Hadba'a is composed of hardline Sunni Arabs who openly oppose Kurdish encroachment in the province and who are committed to the "Arab and Islamic identity" of the province. A member of the faction, Ajil al-Nufaiji, is the new governor.

Nineveh province contains numerous territories inhabited by Kurds and which the Kurds believe should therefore be secured by the Kurds' *peshmerga* militia. Kurds and Arabs in the province have narrowly avoided clashes since May 2009, when Kurdish security forces prevented the new governor and other Arab security officials from entering territory where Kurds live. In part to prevent outright violence, Gen. Odierno, in August 2009, proposed to send U.S. forces to partner with *peshmerga* units (a development without precedent) and with ISF units in the province to build confidence between the two forces and reassure Kurdish, Arab, Turkomen, and other residents of the province. Nineveh has seen several high-profile attacks since the U.S. pullout from Iraqi cities on June 30, 2009.

Additional friction surrounded the KRG's parliamentary and presidential elections on July 25, 2009. The KRG leadership had been planning, during that vote, to conduct a referendum on a separate KRG constitution. However, the central government asserted that a KRG constitution would conflict with the publicly adopted national constitution, and that the KRG draft constitution, adopted by the Kurdish parliament on June 23, 2009, claimed Kurdish control over disputed territories and oil resources. The KRG backed down and did not hold the referendum.

The KRG elections also, to some extent, shuffled the political landscape. A breakaway faction of President Talabani's PUK, called "Change" ("Gorran"), won an unexpectedly high 25 seats (out of 111) in the Kurdistan national assembly, embarrassing the PUK and weakening it relative to the KDP. KRG President Masoud Barzani, leader of the KDP, easily won reelection against weak opposition. Maliki met with Barzani in the Kurdish region on August 2, 2009, the first direct meeting between the two in a year, signaling Maliki's inclination to appear magnanimous and open to compromise.

Another mixed province, Diyala, was hotly contested among Shiite and Sunni Arab and Kurdish slates, reflecting the character of the province as another front line between the Kurds and the central government. The provincial version of the Accord Front narrowly beat out the Kurds for first place in the province, but has subsequently allied with the Kurds and with ISCI to set up the provincial administration. There continues to be substantial friction between Sunni and Shiite Arabs in that province, in part because Sunni militants drove out many Shiites from the province at the height of the civil conflict during 2005-2007.

### ***Sadr Remains Weakened***

Other U.S. officials see the elections processes as a key opportunity to move Moqtada al-Sadr's faction firmly away from armed conflict against the mainstream Shiite parties. Sadr's conflict with Maliki surged in the March 2008 Basra offensive discussed above. Sadr announced in October 2008 that he would not field a separate list in the provincial elections but would support Sadrists on other lists. Sadr's faction, represented mainly in the "Independent Liberals Trend" list, filed candidate slates in several provinces, mostly in the south. The slate did not come close to winning outright control of any councils, although it won enough seats in several southern provinces to, through deal making, gain senior positions in a few southern provinces.

As noted above, Sadr has joined an anti-Maliki Shiite coalition for the January 2010 national elections. On October 17, 2009, the Sadr movement held a "primary" election to determine who would fill the 329 total candidate slots that will be fielded by the Sadr movement in the 2010 elections (as part of the broader Iraqi National Alliance bloc discussed above). About 800 total candidates competed for the slots.

The relatively poor showing of the Sadrists was viewed as reflecting voter disillusionment with parties that continue to field militias—which many Iraqis blame for much of the violence that has plagued Iraq since the fall of Saddam Hussein. Although Sadr is considered weakened politically in the wake of the provincial elections, some worry that this weakness could also cause his faction to return to armed struggle, particularly as U.S. forces draw down. A number of splinter groups of Sadr's Mahdi Army militia, including the "Special Groups," the Promised Day Brigade, and Kata'ib Hezbollah (Hezbollah Battalions) remain active in southern Iraq, including against U.S. forces there. On July 2, 2009, the State Department named Kata'ib Hezbollah as a Foreign Terrorist Organization (FTO).

### **Other Elections Going Forward**

There has been consistent speculation that the January 2010 National Assembly elections would be held concurrently with a referendum on the U.S.-Iraq Security Agreement. The referendum was to be held by July 31, 2009, but the United States, which views the referendum as unnecessary, supported a delay. In mid-October 2009, Iraqi parliamentarians quietly shelved the referendum vote by failing to act on legislation to hold the referendum and focusing instead on the broader election law needed for the National Assembly elections.<sup>6</sup>

District and sub-district elections were previously slated for July 31, 2009, as well. However, those are delayed, and the United Nations Secretary General Ban Ki Moon said in a report on

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<sup>6</sup> Sly, Liz. "Iraqi Push Fades For Referendum on U.S. Troop Pullout." *Los Angeles Times*, October 16, 2009.

U.N. operations in Iraq, released August 3, 2009, that these elections would likely be held later in 2010, after the National Assembly elections.

Several other possible elections in Iraq are as yet unscheduled. Because the three Kurdish-controlled provinces and the disputed province of Kirkuk did not hold provincial elections with the rest of Iraq on January 31, 2009, elections are required in those provinces at some point, presumably subsequent to a settlement of the Kirkuk dispute. Under the election law that set the provincial elections, a parliamentary committee was to make recommendations on resolving this dispute, to be issued by March 31, 2009. That deadline was not met. The U.N. Assistance Mission—Iraq (UNAMI) is continuing its efforts to forge a grand settlement of Kirkuk and other disputed territories, and a UNAMI report circulated in April 2009 reportedly recommended a form of joint Baghdad-Kurdish control of Kirkuk. It is not yet clear whether this report will be the basis of an agreed settlement, even though major factions have purportedly agreed to consider it as such. If so, UNAMI's recommendation is that the constitutionally mandated referendum on Kirkuk's status would be a vote on whether to adopt that agreed settlement.

There could also be a vote on amendments to Iraq's 2005 constitution if and when the major factions agree to finalize the recommendations of the constitutional review commission (CRC). There have been no recent major developments reported that would indicate if and when such a referendum might be ready.

**Table 1. January 31, 2009, Provincial Election Results (Major Slates)**

Baghdad—55 regular seats, plus one Sabean and one Christian set-aside seat	State of Law (Maliki)—38% (28 seats); Independent Liberals Trend (pro-Sadr)—9% (5 seats); Accord Front (Sunni mainstream)—9% (9 seats); Iraq National (Allawi)—8.6%; Shahid Mihrab and Independent Forces (ISCI)—5.4% (3 seats); National Reform list (of former P.M. Ibrahim al-Jafari)—4.3% (3 seats)
Basra—34 regular seats, plus one Christian seat	State of Law—37% (20); ISCI—11.6% (5); Sadr—5% (2); Fadhila (previously dominant in Basra)—3.2% (0); Allawi—3.2% (0); Jafari list—2.5% (0). New Governor: Shi'tagh Abbud (Maliki list); Council chair: Jabbar Amin (Maliki list)
Nineveh—34 regular seats, plus one set aside for Shabaks, Yazidis, and Christians	Hadbaa—48.4%; Fraternal Nineveh—25.5%; IIP—6.7%; Hadbaa has taken control of provincial council and administration, excluding the Kurds. Governor is Atheel al-Nujaifi of Hadbaa.
Najaf—28 seats	State of Law—16.2% (7); ISCI—14.8% (7); Sadr—12.2% (6); Jafari—7% (2); Allawi—1.8% (0); Fadhila—1.6% (0). Council chairman: Maliki list
Babil—30 seats	State of Law—12.5% (8); ISCI—8.2% (5); Sadr—6.2% (3); Jafari—4.4% (3); Allawi—3.4%; Accord Front—2.3% (3); Fadhila—1.3%. New Council chair: Kadim Majid Tuman (Sadrist)
Diyala—29 seats	Accord Front list—21.1%; Kurdistan Alliance—17.2%; Allawi—9.5%; State of Law—6%. New council leans heavily Accord, but allied with Kurds and ISCI.
Muthanna—26 seats	State of Law—10.9% (5); ISCI—9.3% (5); Jafari—6.3% (3); Sadr—5.5% (2); Fadhila—3.7%.
Anbar—29 seats	Iraq Awakening (Sahawa-Sunni tribals)—18%; National Iraqi Project Gathering (established Sunni parties, excluding IIP)—17.6%; Allawi—6.6%; Tribes of Iraq—4.5%.
Maysan—27 seats	State of Law—17.7% (8); ISCI—14.6% (8); Sadr—7; Jafari—8.7% (4); Fadhila—3.2%; Allawi—2.3%. New Governor: Mohammad al-Sudani (Maliki); Council chair: Hezbollah Iraq



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Dhi Qar—31 seats	State of Law—23.1% (13); pro-Sadr—14.1% (7); ISCI—11.1% (5); Jafari—7.6% (4); Fadhila—6.1%; Allawi—2.8%. New governor—Maliki list; Council chair: Sadrist
Karbala—27 seats	List of Maj. Gen. Yusuf al-Habbubi (Saddam-era local official)—13.3% (1 seat); State of Law—8.5% (9); Sadr—6.8% (4); ISCI—6.4% (4); Jafari—2.5% ; Fadhila—2.5%.
Salah Ad Din—28 seats	IIP-led list—14.5%; Allawi—13.9%; Sunni list without IIP—8.7%; State of Law—3.5%; ISCI—2.9%. New council leans Accord/IIP
Qadissiyah—28 seats	State of Law—23.1% (11); ISCI—11.7% (5); Jafari—8.2% (3); Allawi—8%; Sadr—6.7% (2); Fadhila—4.1%. New governor: Salim Husayn (Maliki list)
Wasit—28 seats	State of Law—15.3% (13); ISCI—10% (6); Sadr—6% (3); Allawi—4.6%; Fadhila—2.7%. New governor: Shiite independent; Council chair: ISCI

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**Source:** UNAMI translation of results issued February 2, 2009, by the Independent Higher Election Commission of Iraq; Vissar, Reidar. *The Provincial Elections: The Seat Allocation Is Official and the Coalition-Forming Process Begins*. February 19, 2009.

**Table 2. Election Results (January and December 2005)**

<b>Bloc/Party</b>	<b>Seats (Jan. 05)</b>	<b>Seats (Dec. 05)</b>
United Iraqi Alliance (UIA, Shiite Islamist). Now 85 seats after departure of Fadilah (15 seats) and Sadr faction (28 seats) in 2007. Islamic Supreme Council of Iraq of Abd al-Aziz al-Hakim has 30; Da'wa Party (25 total: Maliki faction, 12, and Anizi faction, 13); independents (30).	140	128
Kurdistan Alliance—KDP (24); PUK (22); independents (7)	75	53
Iraqis List (secular, Allawi); added Communist and other mostly Sunni parties for Dec. vote.	40	25
Iraq Accord Front. Main Sunni bloc; not in Jan. vote. Consists of Iraqi Islamic Party (IIP, Tariq al-Hashimi, 26 seats); National Dialogue Council of Khalaf Ulayyan (7); General People's Congress of Adnan al-Dulaymi (7); independents (4).	—	44
National Iraqi Dialogue Front (Sunni, led by former Baathist Saleh al-Mutlak) Not in Jan. 2005 vote.	—	11
Kurdistan Islamic Group (Islamist Kurd) (votes with Kurdistan Alliance)	2	5
Iraqi National Congress (Chalabi). Was part of UIA list in Jan. 05 vote	—	0
Iraqis Party (Yawar, Sunni); Part of Allawi list in Dec. vote	5	—
Iraqi Turkomen Front (Turkomen, Kirkuk-based, pro-Turkey)	3	1
National Independent and Elites (Jan)/Risalyun (Message, Dec) pro-Sadr	3	2
People's Union (Communist, non-sectarian); on Allawi list in Dec. vote	2	—
Islamic Action (Shiite Islamist, Karbala)	2	0
National Democratic Alliance (non-sectarian, secular)	1	—
Rafidain National List (Assyrian Christian)	1	1
Liberation and Reconciliation Gathering (Umar al-Jabburi, Sunni, secular)	1	3
Ummah (Nation) Party. (Secular, Mithal al-Alusi, former INC activist)	0	1
Yazidi list (small Kurdish, heterodox religious minority in northern Iraq)	—	1

**Notes:** Number of polling places: January: 5,200; December: 6,200; Eligible voters: 14 million in January election; 15 million in October referendum and December; Turnout: January: 58% (8.5 million votes)/ October: 66% (10 million)/ December: 75% (12 million).

**Table 3. Assessments of the Benchmarks**

<b>Benchmark</b>	<b>July 12, 2007 Admin. Report</b>	<b>GAO (Sept. 07)</b>	<b>Sept. 14, 2007 Admin. Report</b>	<b>Subsequent Actions and Assessments —May 2008 Administration report, June 2008 GAO report, International Compact with Iraq Review in June 2008, and U.S. Embassy Weekly Status Reports (and various press sources)</b>
1. Forming Constitutional Review Committee (CRC) and completing review	(S) satisfactory	unmet	S	CRC filed final report in August 2008 but major issues remain unresolved and require achievement of consensus among major faction leaders.
2. Enacting and implementing laws on De-Baathification	(U) unsatisfact.	unmet	S	“Justice and Accountability Law” passed Jan. 12, 2008. Allows about 30,000 fourth ranking Baathists to regain their jobs, and 3,500 Baathists in top three party ranks would receive pensions. Could allow for judicial prosecution of all ex-Baathists and bars ex-Saddam security personnel from regaining jobs. Some reports suggest some De-Baathification officials using the new law to purge political enemies or settle scores.
3. Enacting and implementing oil laws that ensure equitable distribution of resources	U	unmet	U	Framework and three implementing laws stalled over KRG-central government disputes; only framework law has reached COR to date. Revenue being distributed equitably, and 2009 budget maintains 17% revenue for KRG. Kurds also getting that share of oil exported from newly producing fields in KRG area. Some U.S. assessments say factions unlikely to reach agreement on these laws in the near term.
4. Enacting and implementing laws to form semi-autonomous regions	S	partly met	S	Regions law passed October 2006, with relatively low threshold (petition by 33% of provincial council members) to start process to form new regions, but main blocs agreed that law would take effect April 2008. November 2008: petition by 2% of Basra residents submitted to IHEC (another way to start forming a region) to convert Basra province into a single province “region. Signatures of 8% more were required by mid-January 2009; not achieved.
5. Enacting and implementing: (a) a law to establish a higher electoral commission, (b) provincial elections law; (c) a law to specify authorities of provincial bodies, and (d) set a date for provincial elections	S on (a) and U on the others	overall unmet; (a) met	S on (a) and (c)	Draft law stipulating powers of provincial governments adopted February 13, 2008, took effect April 2008. Implementing election law adopted September 24, 2008, provided for provincial elections by January 31, 2009. Those elections were held, as discussed above.
6. Enacting and implementing legislation addressing amnesty for former insurgents	no rating	unmet	Same as July	Law to amnesty “non-terrorists” among 25,000 Iraq-held detainees passed February 13, 2008. Of 23,000 granted amnesty, about 6,300 released to date. 19,000 detainees held by U.S. being transferred to Iraqi control under SOFA.
7. Enacting and implementing laws on militia disarmament	no rating	unmet	Same as July	Basra operation, discussed above, viewed as move against militias. On April 9, 2008, Maliki demanded all militias disband as condition for their parties to participate in provincial elections. Law on militia demobilization stalled.
8. Establishing political, media, economic,	S	met	met	No change. “Executive Steering Committee” works with U.S.-led forces.

Benchmark	July 12, 2007 Admin. Report	GAO (Sept. 07)	Sept. 14, 2007 Admin. Report	Subsequent Actions and Assessments —May 2008 Administration report, June 2008 GAO report, International Compact with Iraq Review in June 2008, and U.S. Embassy Weekly Status Reports (and various press sources)
and services committee to support U.S. “surge”				
9. Providing three trained and ready brigades to support U.S. surge	S	partly met	S	Eight brigades assigned to assist the surge. Surge now ended.
10. Providing Iraqi commanders with authorities to make decisions, without political intervention, to pursue all extremists, including Sunni insurgents and Shiite militias	U	unmet	S to pursue extremists U on political interference	No significant change. Still some U.S. concern over the Office of the Commander in Chief (part of Maliki’s office) control over appointments to the ISF —favoring Shiites. Still, some politically motivated leaders remain in ISF. But, National Police said to include more Sunnis in command jobs and rank and file than one year ago.
11. Ensuring Iraqi Security Forces (ISF) providing even-handed enforcement of law	U	unmet	S on military, U on police	U.S. interpreted Basra operation as effort by Maliki to enforce law even-handedly. Tribal support councils not even-handed.
12. Ensuring that the surge plan in Baghdad will not provide a safe haven for any outlaw, no matter the sect	S	partly met	S	No change. Ethno-sectarian violence has fallen sharply in Baghdad.
13. (a) Reducing sectarian violence and (b) eliminating militia control of local security	Mixed. S on (a); U on (b)	unmet	same as July 12	Sectarian violence has not re-accelerated. Shiite militias weak. But, tribal support councils could be considered a government-sanctioned militia, and they are stronger than previously.
14. Establishing Baghdad joint security stations	S	met	S	Over 50 joint security stations operated in Baghdad at the height of U.S. troop surge. Now closed in compliance with June 30, 2009, U.S. pull out from the cities. U.S. troops ring cities, including Baghdad.
15. Increasing ISF units capable of operating independently	U	unmet	U	Continuing but slow progress training ISF, which is expected to secure Iraq by the end of 2011 under the SOFA, which requires U.S. troops to be out by then. Obama Administration officials say ISF will meet the challenges, although some decrease in U.S. confidence in July and August 2009 in light of high profile attacks. Iraqi Air Force not likely to be able to secure airspace by then.
16. Ensuring protection of minority parties in COR	S	met	S	No change. Rights of minority parties protected by Article 37 of constitution.
17. Allocating and spending \$10 billion in 2007 capital budget for reconstruction.	S	partly met	S	About 63% of the \$10 billion 2007 allocation for capital projects was spent.
18. Ensuring that Iraqi authorities not falsely accusing ISF members	U	unmet	U	Some governmental recriminations against some ISF officers still observed.

**Source:** Compiled by CRS

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